

BILL

SECTION 110. 77.54 (17) of the statutes is amended to read:

77.54 (17) The ~~gross receipts~~ sales price from the sales of and the storage, use or other consumption of water, that is not food and food ingredient, when delivered through mains.

SECTION 111. 77.54 (18) of the statutes is amended to read:

77.54 (18) When the sale, lease or rental of a service or property that was previously exempt or not taxable under this subchapter becomes taxable, and the service or property is furnished under a written contract by which the seller is unconditionally obligated to provide the service or property for the amount fixed under the contract, the seller is exempt from sales or use tax on the ~~gross receipts~~ sales price for services or property provided until the contract is terminated, extended, renewed or modified. However, from the time the service or property becomes taxable until the contract is terminated, extended, renewed or modified the user is subject to use tax, measured by the sales purchase price, on the service or property purchased under the contract.

SECTION 112. 77.54 (20) of the statutes is repealed.

SECTION 113. 77.54 (20m) of the statutes is repealed.

SECTION 114. 77.54 (20n) of the statutes is created to read:

77.54 (20n) (a) The sales price from the sale of and the storage, use, or other consumption of food and food ingredients, except candy, soft drinks, dietary supplements, and prepared food.

(b) The sales price from the sale of and the storage, use, or other consumption of food and food ingredients, except soft drinks, sold by hospitals, sanatoriums, nursing homes, retirement homes, community-based residential facilities, as defined in s. 50.01 (1g), or day care centers registered under ch. 48, including

BILL

1 prepared food that is sold to the elderly or handicapped by persons providing mobile
2 meals on wheels. In this paragraph, “retirement home” means a nonprofit
3 residential facility where 3 or more unrelated adults or their spouses have their
4 principal residence and where support services, including meals from a common
5 kitchen, are available to residents.

6 (c) The sales price from the sale of and the storage, use, or other consumption
7 of food and food ingredients, furnished in accordance with any contract or agreement
8 or paid for to such institution through the use of an account of such institution, by
9 a public or private institution of higher education to any of the following:

10 1. An undergraduate student, a graduate student, or a student enrolled in a
11 professional school if the student is enrolled for credit at the public or private
12 institution of higher education and if the food and food ingredients are consumed by
13 the student.

14 2. A national football league team.

15 **SECTION 115.** 77.54 (20r) of the statutes is created to read:

16 77.54 (20r) The sales price from the sales of and the storage, use, or other
17 consumption of candy, soft drinks, dietary supplements, and prepared foods, and
18 disposable products that are transferred with such items, furnished for no
19 consideration by a restaurant to the restaurant’s employee during the employee’s
20 work hours.

21 **SECTION 116.** 77.54 (21) of the statutes is amended to read:

22 77.54 (21) The ~~gross receipts~~ sales price from the sales of and the storage, use
23 or other consumption of caskets and burial vaults for human remains.

24 **SECTION 117.** 77.54 (22) of the statutes is repealed.

25 **SECTION 118.** 77.54 (22b) of the statutes is created to read:

BILL

1 77.54 (22b) The sales price from the sale of and the storage, use, or other
2 consumption of durable medical equipment, mobility-enhancing equipment, and
3 prosthetic devices, ^{and accessories for such equipment or devices,} if the equipment or devices are used for a human being.

4 **SECTION 119.** 77.54 (23m) of the statutes is amended to read:

5 77.54 (23m) The ~~gross receipts~~ sales price from the sale, lease or rental of or
6 the storage, use or other consumption of motion picture film or tape, and advertising
7 materials related thereto, sold, leased or rented to a motion picture theater or radio
8 or television station.

9 **SECTION 120.** 77.54 (25) of the statutes is amended to read:

10 77.54 (25) The ~~gross receipts~~ sales price from the sale of and the storage of
11 printed material which is designed to advertise and promote the sale of merchandise,
12 or to advertise the services of individual business firms, which printed material is
13 purchased and stored for the purpose of subsequently transporting it outside the
14 state by the purchaser for use thereafter solely outside the state.

15 **SECTION 121.** 77.54 (26) of the statutes is amended to read:

16 77.54 (26) The ~~gross receipts~~ sales price from the sales of and the storage, use,
17 or other consumption of tangible personal property which becomes a component part
18 of an industrial waste treatment facility that is exempt under s. 70.11 (21) (a) or that
19 would be exempt under s. 70.11 (21) (a) if the property were taxable under ch. 70, or
20 tangible personal property which becomes a component part of a waste treatment
21 facility of this state or any agency thereof, or any political subdivision of the state or
22 agency thereof as provided in s. 40.02 (28). The exemption includes replacement
23 parts therefor, and also applies to chemicals and supplies used or consumed in
24 operating a waste treatment facility and to purchases of tangible personal property
25 made by construction contractors who transfer such property to their customers in

BILL

1 fulfillment of a real property construction activity. This exemption does not apply
2 to tangible personal property installed in fulfillment of a written construction
3 contract entered into, or a formal written bid made, prior to July 31, 1975.

4 **SECTION 122.** 77.54 (26m) of the statutes is amended to read:

5 77.54 (26m) The ~~gross receipts~~ sales price from the sale of and the storage, use
6 or other consumption of waste reduction or recycling machinery and equipment,
7 including parts therefor, exclusively and directly used for waste reduction or
8 recycling activities which reduce the amount of solid waste generated, reuse solid
9 waste, recycle solid waste, compost solid waste or recover energy from solid waste.
10 The exemption applies even though an economically useful end product results from
11 the use of the machinery and equipment. For the purposes of this subsection, “solid
12 waste” means garbage, refuse, sludge or other materials or articles, whether these
13 materials or articles are discarded or purchased, including solid, semisolid, liquid or
14 contained gaseous materials or articles resulting from industrial, commercial,
15 mining or agricultural operations or from domestic use or from public service
16 activities.

17 **SECTION 123.** 77.54 (27) of the statutes is amended to read:

18 77.54 (27) The ~~gross receipts~~ sales price from the sale of semen used for
19 artificial insemination of livestock.

20 ~~**SECTION 124.** 77.54 (28) of the statutes is repealed.~~

21 **SECTION 125.** 77.54 (29) of the statutes is amended to read:

22 77.54 (29) The ~~gross receipts~~ sales price from the sales of and the storage, use
23 or other consumption of equipment used in the production of maple syrup.

24 **SECTION 126.** 77.54 (30) (a) (intro.) of the statutes is amended to read:

25 77.54 (30) (a) (intro.) The ~~gross receipts~~ sales price from the sale of:

INS
51-20

BILL

1 **SECTION 127.** 77.54 (30) (c) of the statutes is amended to read:

2 77.54 (30) (c) If fuel or electricity is sold partly for a use exempt under this
3 subsection and partly for a use which is not exempt under this subsection, no tax
4 shall be collected on that percentage of the ~~gross receipts~~ sales price equal to the
5 percentage of the fuel or electricity which is used for an exempt use, as specified in
6 an exemption certificate provided by the purchaser to the seller.

7 **SECTION 128.** 77.54 (31) of the statutes is amended to read:

8 77.54 (31) The ~~gross receipts~~ sales price from the sale of and the storage, use
9 or other consumption in this state, but not the lease or rental, of used mobile homes
10 that are primary housing units under s. 340.01 (29).

11 **SECTION 129.** 77.54 (32) of the statutes is amended to read:

12 77.54 (32) The ~~gross receipts~~ sales price from charges, including charges for a
13 search, imposed by an authority, as defined in s. 19.32 (1), for copies of a public record
14 that a person may examine and use under s. 16.61 (12) or for copies of a record under
15 s. 19.35 (1).

16 **SECTION 130.** 77.54 (33) of the statutes is amended to read:

17 77.54 (33) The ~~gross receipts~~ sales price from sales of and the storage, use or
18 other consumption of ~~medicines~~ drugs used on farm livestock, not including
19 workstock.

20 **SECTION 131.** 77.54 (34) of the statutes is amended to read:

21 77.54 (34) The ~~gross receipts~~ sales price from the sale of and the storage, use
22 or other consumption of milk house supplies used exclusively in producing and
23 handling milk on dairy farms.

24 **SECTION 132.** 77.54 (35) of the statutes is amended to read:

BILL

1 77.54 (35) The ~~gross receipts~~ sales price from the sales of tangible personal
2 property, tickets or admissions by any baseball team affiliated with the Wisconsin
3 Department of American Legion baseball.

4 **SECTION 133.** 77.54 (36) of the statutes is amended to read:

5 77.54 (36) The ~~gross receipts~~ sales price from the rental for a continuous period
6 of one month or more of a mobile home, as defined in s. 66.0435 (1) (d), that is used
7 as a residence. In this subsection, “one month” means a calendar month or 30 days,
8 whichever is less, counting the first day of the rental and not counting the last day
9 of the rental.

10 **SECTION 134.** 77.54 (37) of the statutes is amended to read:

11 77.54 (37) The ~~gross receipts~~ sales price from revenues collected under s.
12 146.70 (3).

13 **SECTION 135.** 77.54 (38) of the statutes is amended to read:

14 77.54 (38) The ~~gross receipts~~ sales price from the sale of and the storage, use
15 or other consumption of snowmobile trail groomers and attachments for them that
16 are purchased, stored, used or consumed by a snowmobile club that meets at least
17 3 times a year, that has at least 10 members, that promotes snowmobiling and that
18 participates in the department of natural resources’ snowmobile program under s.
19 350.12 (4) (b).

20 **SECTION 136.** 77.54 (39) of the statutes is amended to read:

21 77.54 (39) The ~~gross receipts~~ sales price from the sale of and the storage, use
22 or other consumption of off-highway, heavy mechanical equipment such as feller
23 bunchers, slashers, delimbers, chippers, hydraulic loaders, loaders,
24 skidder-forwarders, skidders, timber wagons and tractors used exclusively and
25 directly in the harvesting or processing of raw timber products in the field by a person

BILL**SECTION 136**

1 in the logging business. In this subsection, “heavy mechanical equipment” does not
2 include hand tools such as axes, chains, chain saws and wedges.

3 **SECTION 137.** 77.54 (40) of the statutes is repealed.

4 **SECTION 138.** 77.54 (41) of the statutes is amended to read:

5 77.54 (41) The ~~gross receipts~~ sales price from the sale of building materials,
6 supplies and equipment to; and the storage, use or other consumption of those kinds
7 of property by; owners, contractors, subcontractors or builders if that property is
8 acquired solely for or used solely in, the construction, renovation or development of
9 property that would be exempt under s. 70.11 (36).

10 **SECTION 139.** 77.54 (42) of the statutes is amended to read:

11 77.54 (42) The ~~gross receipts~~ sales price from the sale of and the storage, use
12 or other consumption of animal identification tags provided under s. 93.06 (1h) and
13 standard samples provided under s. 93.06 (1s).

14 **SECTION 140.** 77.54 (43) of the statutes is amended to read:

15 77.54 (43) The ~~gross receipts~~ sales price from the sale of and the storage, use
16 or other consumption of raw materials used for the processing, fabricating or
17 manufacturing of, or the attaching to or incorporating into, printed materials that
18 are transported and used solely outside this state.

19 **SECTION 141.** 77.54 (44) of the statutes is amended to read:

20 77.54 (44) The ~~gross receipts~~ sales price from the collection of public benefits
21 fees that are charged under s. 16.957 (4) (a) or (5) (a).

22 **SECTION 142.** 77.54 (45) of the statutes is amended to read:

23 77.54 (45) The ~~gross receipts~~ sales price from the sale of and the use or other
24 consumption of a onetime license or similar right to purchase admission to
25 professional football games at a football stadium, as defined in s. 229.821 (6), that

BILL

1 is granted by a municipality; a local professional football stadium district; or a
2 professional football team or related party, as defined in s. 229.821 (12); if the person
3 who buys the license or right is entitled, at the time the license or right is transferred
4 to the person, to purchase admission to at least 3 professional football games in this
5 state during one football season.

6 **SECTION 143.** 77.54 (46) of the statutes is amended to read:

7 77.54 (46) The ~~gross receipts~~ sales price from the sale of and the storage, use,
8 or other consumption of the U.S. flag or the state flag. This subsection does not apply
9 to a representation of the U.S. flag or the state flag.

10 **SECTION 144.** 77.54 (46m) of the statutes is amended to read:

11 77.54 (46m) The ~~gross receipts~~ sales price from the sale of and the storage, use,
12 or other consumption of telecommunications services, if the telecommunications
13 services are obtained by using the rights to purchase telecommunications services,
14 including purchasing reauthorization numbers, by paying in advance and by using
15 an access number and authorization code; and if the tax imposed under s. 77.52 or
16 77.53 was previously paid on the sale or purchase of such rights.

17 **SECTION 145.** 77.55 (1) (intro.) of the statutes is amended to read:

18 77.55 (1) (intro.) There are is exempted from the computation of the amount
19 of the sales tax the ~~gross receipts~~ sales price from the sale of any tangible personal
20 property or services to:

21 **SECTION 146.** 77.55 (2) of the statutes is amended to read:

22 77.55 (2) There are is exempted from the computation of the amount of the sales
23 tax the ~~gross receipts~~ sales price from sales of tangible personal property to a
24 common or contract carrier, shipped by the seller via the purchasing carrier under
25 a bill of lading whether the freight is paid in advance, or the shipment is made freight

BILL

1 charges collect, to a point outside this state and the property is actually transported
2 to the out-of-state destination for use by the carrier in the conduct of its business
3 as a carrier.

4 **SECTION 147.** 77.55 (2m) of the statutes is amended to read:

5 77.55 (2m) There ~~are~~ is exempted from the computation of the amount of sales
6 tax the ~~gross receipts~~ sales price from sales of railroad crossties to a common or
7 contract carrier, shipped wholly or in part by way of the purchasing carrier under a
8 bill of lading, whether the freight is paid in advance or the shipment is made freight
9 charges collect, to a point outside this state if the property is transported to the
10 out-of-state destination for use by the carrier in the conduct of its business as a
11 carrier. Interruption of the shipment for storage, drying, processing or creosoting of
12 the railroad crossties in this state does not invalidate the exemption under this
13 subsection.

14 **SECTION 148.** 77.55 (3) of the statutes is amended to read:

15 77.55 (3) There ~~are~~ is exempted from the computation of the amount of the sales
16 tax the ~~gross receipts~~ sales price from sales of tangible personal property purchased
17 for use solely outside this state and delivered to a forwarding agent, export packer,
18 or other person engaged in the business of preparing goods for export or arranging
19 for their exportation, and actually delivered to a port outside the continental limits
20 of the United States prior to making any use thereof.

21 **SECTION 149.** 77.56 (1) of the statutes is amended to read:

22 77.56 (1) The storage, use or other consumption in this state of property, the
23 ~~gross receipts~~ sales price from the sale of which ~~are~~ is reported to the department in
24 the measure of the sales tax, is exempted from the use tax.

25 **SECTION 150.** 77.57 of the statutes is amended to read:

BILL

1 **77.57 Liability of purchaser.** If a purchaser certifies in writing to a seller
2 that the property purchased will be used in a manner or for a purpose entitling the
3 seller to regard the ~~gross receipts~~ sales price from the sale as exempted by this
4 subchapter from the computation of the amount of the sales tax and uses the property
5 in some other manner or for some other purpose, the purchaser is liable for payment
6 of the sales tax. The tax shall be measured by the sales price of the property to the
7 purchaser, ~~but if the taxable use first occurs more than 6 months after the sale to the~~
8 ~~purchaser, the purchaser may use as the measure of the tax either that sales price~~
9 ~~or the fair market value of the property at the time the taxable use first occurs.~~

10 **SECTION 151.** 77.58 (3) (b) of the statutes is amended to read:

11 ~~77.58 (3) (b) For purposes of the sales tax the return shall show the gross~~
12 ~~receipts of the seller during the preceding reporting period. For purposes of the use~~
13 ~~tax, in case of a return filed by a retailer, the return shall show the total sales price~~
14 ~~of the property or taxable services sold, the storage, use or consumption of which~~
15 ~~became subject to the use tax during the preceding reporting period. In case of a sales~~
16 ~~or use tax return filed by a purchaser, the return shall show the total sales price of~~
17 ~~the property and taxable services purchased, the storage, use or consumption of~~
18 ~~which became subject to the use tax during the preceding reporting period. The~~
19 return shall also show the amount of the taxes for the period covered by the return
20 and such other information as the department deems necessary for the proper
21 administration of this subchapter.

22 **SECTION 152.** 77.58 (6) of the statutes is amended to read:

23 **77.58 (6)** For the purposes of the sales tax ~~gross receipts,~~ the sales price from
24 rentals or leases of tangible personal property shall be reported and the tax paid in
25 accordance with such rules as the department prescribes.

BILL

1 **SECTION 153.** 77.58 (6m) of the statutes is created to read:

2 **77.58 (6m)** (a) The department may, in cases where it is satisfied that an undue
3 hardship would otherwise result, permit the reporting of a sales price or purchase
4 price on some basis other than the accrual basis.

5 (b) The entire sales price of credit transactions shall be reported in the period
6 in which the sale is made without reduction in the amount of tax payable by the
7 retailer by reason of the retailer's transfer at a discount the open account, note,
8 conditional sales contract, lease contract, or other evidence of indebtedness.

9 **SECTION 154.** 77.58 (9a) of the statutes is created to read:

10 **77.58 (9a)** In addition to filing a return as provided in this section, a person
11 described under s. 77.524 (3), (4), or (5) shall provide to the department any
12 information that the department considers necessary for the administration of this
13 subchapter, in the manner prescribed by the department, except that the
14 department may not require that the person provide such information to the
15 department more than once every 180 days.

16 **SECTION 155.** 77.585 of the statutes is created to read:

17 **77.585 Return adjustments.** (1) (a) In this subsection, "bad debt" means the
18 portion of the sales price or purchase price that the seller has reported as taxable
19 under this subchapter and that the seller may claim as a deduction under section 166
20 of the Internal Revenue Code. "Bad debt" does not include financing charges or
21 interest, sales or use taxes imposed on the sales price or purchase price, uncollectible
22 amounts on property that remains in the seller's possession until the full sales price
23 or purchase price is paid, expenses incurred in attempting to collect any debt, debts
24 sold or assigned to 3rd parties for collection, and repossessed property.

BILL

1 (b) A seller may claim as a deduction on a return under s. 77.58 the amount of
2 any bad debt that the seller writes off as uncollectible in the seller's books and records
3 and that is eligible to be deducted as bad debt for federal income tax purposes,
4 regardless of whether the seller is required to file a federal income tax return. A
5 seller who claims a deduction under this paragraph shall claim the deduction on the
6 return under s. 77.58 that is submitted for the period in which the seller writes off
7 the amount of the deduction as uncollectible in the seller's books and records and in
8 which such amount is eligible to be deducted as bad debt for federal income tax
9 purposes. If the seller subsequently collects in whole or in part any bad debt for
10 which a deduction is claimed under this paragraph, the seller shall include the
11 amount collected in the return filed for the period in which the amount is collected
12 and shall pay the tax with the return.

13 (c) For purposes of computing a bad debt deduction or reporting a payment
14 received on a previously claimed bad debt, any payment made on a debt or on an
15 account is applied first to the price of the property or service sold, and the
16 proportionate share of the sales tax on that property or service, and then to interest,
17 service charges, and other charges related to the sale.

18 (d) A seller may obtain a refund of the tax collected on any bad debt amount
19 deducted under par. (b) that exceeds the amount of the seller's taxable sales as
20 provided under s. 77.59 (4), except that the period for making a claim as determined
21 under s. 77.59 (4) begins on the date on which the return on which the bad debt could
22 be claimed would have been required to be submitted to the department under s.
23 77.58.

24 (e) If a seller is using a certified service provider, the certified service provider
25 may claim a bad debt deduction under this subsection on the seller's behalf if the

BILL

1 seller has not claimed and will not claim the same deduction. A certified service
2 provider who receives a bad debt deduction under this subsection shall credit that
3 deduction to the seller and a certified service provider who receives a refund under
4 this subsection shall submit that refund to the seller.

5 (f) If a bad debt relates to the retail sales of tangible personal property or
6 taxable services that occurred in this state and in one or more other states, as
7 determined under s. 77.522, the total amount of such bad debt shall be apportioned
8 among the states in which the underlying sales occurred in a manner prescribed by
9 the department to arrive at the amount of the deduction under par. (b).

10 (2) If a lessor of tangible personal property has reimbursed the vendor for the
11 sales tax on the sale of the property by the vendor to the lessor, the tax due from the
12 lessor on the rental receipts may be offset by a credit equal to the tax otherwise due
13 on the rental receipts from the property for the reporting period. The credit shall
14 expire when the cumulative rental receipts equal the sales price upon which the
15 vendor paid sales taxes to this state.

16 (3) If a purchaser of tangible personal property has reimbursed the vendor of
17 the property for the sales tax on the sale and subsequently, before making any use
18 of the property other than retention, demonstration, or display while holding it for
19 sale or rental, makes a taxable sale of the property, the tax due on the taxable sale
20 may be offset by the tax reimbursed.

21 (4) A seller may claim a deduction on any part of the sales price or purchase
22 price that the seller refunds in cash or credit as a result of returned property or
23 adjustments in the sales price or purchase price after the sale has been completed,
24 if the seller has included the refunded price in a prior return made by the seller and
25 has paid the tax on such price, and if the seller has returned to the purchaser in cash

BILL

1 or in credit all tax previously paid by the purchaser on the amount of the refund at
2 the time of the purchase. A deduction under this paragraph shall be claimed on the
3 return for the period in which the refund is paid.

4 (5) No reduction in the amount of tax payable by the retailer is allowable in the
5 event property sold on credit is repossessed except where the entire consideration
6 paid by the purchaser is refunded to the purchaser or where a credit for a worthless
7 account is allowable under sub. (1).

8 (6) For sales tax purposes, if a retailer establishes to the department's
9 satisfaction that the sales tax has been added to the total amount of the sales price
10 and has not been absorbed by the retailer, the total amount of the sales price shall
11 be the amount received exclusive of the sales tax imposed.

12 **SECTION 156.** 77.59 (2m) of the statutes is created to read:

13 77.59 (2m) The department may audit, or may authorize others to audit, sellers
14 and certified service providers who are registered with the department pursuant to
15 the agreement, as defined in s. 77.65 (2) (a).

16 **SECTION 157.** 77.59 (9) of the statutes is amended to read:

17 77.59 (9) If any person fails to file a return, the department shall make an
18 estimate of the amount of the ~~gross receipts~~ sales price of the ~~person~~ person's sales,
19 or, as the case may be, of the amount of the total sales purchase price of tangible
20 personal property or taxable service sold or purchased by the person, the sale by or
21 the storage, use or other consumption of which in this state is subject to sales or use
22 tax. The estimate shall be made for the period in respect to which the person failed
23 to make a return and shall be based upon any information which is in the
24 department's possession or may come into its possession. Upon the basis of this
25 estimate the department shall compute and determine the amount required to be

BILL

1 paid to the state, adding to the sum thus arrived at a penalty equal to 25% thereof.
2 One or more such determinations may be made for one or for more than one period.
3 When a business is discontinued a determination may be made at any time
4 thereafter, within the periods specified in sub. (3), as to liability arising out of that
5 business.

6 **SECTION 158.** 77.59 (9n) of the statutes is created to read:

7 77.59 (9n) No seller or certified service provider is liable for any deficiency or
8 refund under this subchapter that is the result of the seller or certified service
9 provider relying on erroneous information contained in a database maintained
10 under s. 73.03 ~~(59)~~ (e) or (f). (61)

11 **SECTION 159.** 77.59 (9p) (b) of the statutes is created to read:

12 77.59 (9p) (b) If a customer purchases a service that is not subject to 4 USC 116
13 to 126, as amended by P.L. 106–252, or tangible personal property, and if the
14 customer believes that the amount of the tax assessed for the sale of the service or
15 property under this subchapter is erroneous, the customer may request that the
16 seller correct the alleged error by sending a written notice to the seller. The notice
17 shall include a description of the alleged error and any other information that the
18 seller reasonably requires to process the request. Within 60 days from the date that
19 a seller receives a request under this paragraph, the seller shall review its records
20 to determine the validity of the customer's claim. If the review indicates that there
21 is no error as alleged, the seller shall explain the findings of the review in writing to
22 the customer. If the review indicates that there is an error as alleged, the seller shall
23 correct the error and shall refund the amount of any tax collected erroneously, along
24 with the related interest, as a result of the error from the customer, consistent with
25 s. 77.59 (4). A customer may take no other action, or commence any action, to correct

BILL

1 an alleged error in the amount of the tax assessed under this subchapter on a service
2 that is not subject to 4 USC 116 to 126, as amended by P.L. 106-252, or tangible
3 personal property, unless the customer has exhausted his or her remedies under this
4 paragraph.

5 **SECTION 160.** 77.59 (9r) of the statutes is created to read:

6 77.59 (9r) With regard to a purchaser's request for a refund under this section,
7 a seller is presumed to have reasonable business practices if the seller uses a certified
8 service provider, a certified automated system, as defined in s. 77.524 (1) (am), or a
9 proprietary system certified by the department to collect the taxes imposed under
10 this subchapter and if the seller has remitted to the department all taxes collected
11 under this subchapter, less any deductions, credits, or allowances.

12 **SECTION 161.** 77.60 (13) of the statutes is created to read:

13 77.60 (13) A person who uses any of the following documents in a manner that
14 is prohibited by or inconsistent with this subchapter, or provides incorrect
15 information to a seller or certified service provider related to the use of such
16 documents or regarding an exemption to the taxes imposed under this subchapter,
17 shall pay a penalty of \$250 for each invoice or bill of sale related to the prohibited or
18 inconsistent use or incorrect information:

19 (a) An exemption certificate described under ss. 77.52 (13) and 77.53 (10).

20 (b) A direct pay permit under s. 77.52 (17m).

21 (c) A direct mail form, as defined in s. 77.522 (1) (a) 1.

22 (d) A multiple-points-of-use exemption form, as defined in s. 77.522 (1) (a) 2.

23 **SECTION 162.** 77.61 (1) (b) of the statutes is amended to read:

24 77.61 (1) (b) In the case of ~~a motor vehicle~~ motor vehicles, boats, snowmobiles,
25 mobile homes not exceeding 45 feet in length, trailers, semitrailers, all-terrain

BILL

1 ~~vehicles, or aircraft~~ purchased from a ~~licensed Wisconsin motor vehicle dealer~~
2 ~~retailer~~, the registrant shall present proof that the tax has been paid to such dealer
3 ~~retailer~~.

4 **SECTION 163.** 77.61 (1) (c) of the statutes is amended to read:

5 77.61 (1) (c) In the case of motor vehicles, boats, snowmobiles, mobile homes
6 not exceeding 45 feet in length, trailers, semitrailers, all-terrain vehicles or aircraft
7 registered or titled, or required to be registered or titled, in this state purchased from
8 persons who are not ~~Wisconsin boat, trailer or semitrailer dealers, licensed~~
9 ~~Wisconsin aircraft, motor vehicle or mobile home dealers or registered Wisconsin~~
10 ~~snowmobile or all-terrain vehicle dealers~~ retailers, the purchaser shall file a sales
11 tax return and pay the tax prior to registering or titling the motor vehicle, boat,
12 snowmobile, mobile home not exceeding 45 feet in length, trailer, semitrailer,
13 all-terrain vehicle or aircraft in this state.

14 **SECTION 164.** 77.61 (2) of the statutes is renumbered 77.61 (2) (intro.) and
15 amended to read:

16 77.61 (2) (intro.) In order to protect the revenue of the state:

17 (a) Except as provided in par. (b), the department may require any person who
18 is or will be liable to it for the tax imposed by this subchapter to place with it, before
19 or after a permit is issued, the security, not in excess of \$15,000, that the department
20 determines. In determining the amount of security to require under this subsection,
21 the department may consider the person's payment of other taxes administered by
22 the department and any other relevant facts. If any taxpayer fails or refuses to place
23 that security, the department may refuse or revoke the permit. If any taxpayer is
24 delinquent in the payment of the taxes imposed by this subchapter, the department
25 may, upon 10 days' notice, recover the taxes, interest, costs and penalties from the

BILL

1 security placed with the department by the taxpayer in the following order: costs,
2 penalties, delinquent interest, delinquent tax. No interest may be paid or allowed
3 by the state to any person for the deposit of security. Any security deposited under
4 this subsection shall be returned to the taxpayer if the taxpayer has, for 24
5 consecutive months, complied with all the requirements of this subchapter.

6 **SECTION 165.** 77.61 (2) (b) of the statutes is created to read:

7 77.61 (2) (b) A certified service provider who has contracted with a seller, and
8 filed an application, to collect and remit sales and use taxes imposed under this
9 subchapter on behalf of the seller shall submit a surety bond to the department to
10 guarantee the payment of sales and use taxes, including any penalty and interest on
11 such payment. The department shall approve the form and contents of a bond
12 submitted under this paragraph and shall determine the amount of such bond. The
13 surety bond shall be submitted to the department within 60 days after the date on
14 which the department notifies the certified service provider that the certified service
15 provider is registered to collect sales and use taxes imposed under this subchapter.
16 If the department determines, with regards to any one certified service provider, that
17 no bond is necessary to protect the tax revenues of this state, the secretary of revenue
18 or the secretary's designee may waive the requirements under this paragraph with
19 regard to that certified service provider. Any bond submitted under this paragraph
20 shall remain in force until the secretary of revenue or the secretary's designee
21 releases the liability under the bond.

22 **SECTION 166.** 77.61 (3) of the statutes is repealed.

23 **SECTION 167.** 77.61 (3m) of the statutes is created to read:

24 77.61 (3m) A retailer shall use a straight mathematical computation to
25 determine the amount of the tax that the retailer may collect from the retailer's

BILL

1 customers. The retailer shall calculate the tax amount by combining the applicable
2 tax rates under this subchapter and subch. V and multiplying the combined tax rate
3 by the sales price or purchase price of each item or invoice, as appropriate. The
4 retailer shall calculate the tax amount to the 3rd decimal place, disregard tax
5 amounts of less than 0.5 cent, and consider tax amounts of at least 0.5 cent but less
6 than 1 cent to be an additional cent. The use of a straight mathematical computation,
7 as provided in this subsection, shall not relieve the retailer from liability for payment
8 of the full amount of the tax levied under this subchapter.

9 **SECTION 168.** 77.61 (5m) of the statutes is created to read:

10 77.61 (5m) (a) In this subsection, “personally identifiable information” means
11 any information that identifies a person.

12 (b) A certified service provider may use personally identifiable information as
13 necessary only for the administration of its system to perform a seller’s sales and use
14 tax functions and shall provide consumers clear and conspicuous notice of its practice
15 regarding such information, including how it collects the information, how it uses the
16 information, and under what circumstances it discloses the information.

17 (c) A certified service provider may retain personally identifiable information
18 only to verify exemption claims, to investigate fraud, and to ensure its system’s
19 reliability. A certified service provider who retains an individual’s personally
20 identifiable information shall provide reasonable notice of such retention to the
21 individual and shall provide the individual reasonable access to the information and
22 an opportunity to correct inaccurate information. If any person, other than a state
23 that is a signatory to the agreement, as defined in s. 77.65 (2) (a), requests access to
24 an individual’s personally identifiable information, the certified service provider
25 shall make a reasonable and timely effort to notify the individual of the request.

BILL

1 (d) A certified service provider shall provide sufficient technical, physical, and
2 administrative safeguards to protect personally identifiable information from
3 unauthorized access and disclosure.

4 **SECTION 169.** 77.61 (16) of the statutes is created to read:

5 77.61 (16) Any person who remits taxes and files returns under this subchapter
6 may designate an agent, as defined in s. 77.524 (1) (ag), to remit such taxes and file
7 such returns with the department in a manner prescribed by the department.

8 **SECTION 170.** 77.63 of the statutes is repealed and recreated to read:

9 **77.63 Collection compensation.** (intro.) The following persons may retain
10 a portion of sales and use taxes collected on retail sales under this subchapter and
11 subch. V in an amount determined by the department and by contracts that the
12 department enters into pursuant to the agreement, as defined in s. 77.65 (2) (a):

13 (1) A certified service provider.

14 (2) A seller that uses a certified automated system, as defined in s. 77.524 (1)
15 (am).

16 (3) A seller that sells tangible personal property or taxable services in at least
17 5 states that are signatories to the agreement, as defined in s. 77.65 (2) (a); that has
18 total annual sales revenue of at least \$500,000,000; that has a proprietary system
19 that calculates the amount of tax owed to each taxing jurisdiction in which the seller
20 sells tangible personal property or taxable services; and that has entered into a
21 performance agreement with the states that are signatories to the agreement, as
22 defined in s. 77.65 (2) (a). For purposes of this subdivision, “seller” includes an
23 affiliated group of sellers using the same proprietary system to calculate the amount
24 of tax owed in each taxing jurisdiction in which the sellers sell tangible personal
25 property or taxable services.

BILL

1 **SECTION 171.** 77.65 (2) (c) of the statutes is repealed.

2 **SECTION 172.** 77.65 (2) (e) of the statutes is amended to read:

3 77.65 (2) (e) “Seller” means any person who sells, leases, or rents tangible
4 personal property or services.

5 **SECTION 173.** 77.65⁶⁷ of the statutes is created to read:

6 77.65⁶⁷ **Amnesty for new registrants.** (1) A seller is not liable for uncollected
7 and unpaid taxes, including penalties and interest, imposed under this subchapter
8 and subch. V on sales made to purchasers in this state before the seller registers
9 under par. (a), if all of the following apply:

10 (a) The seller registers with the department, in a manner that the department
11 prescribes, to collect and remit the taxes imposed under this subchapter and subch.
12 V on sales to purchasers in this state in accordance with the agreement, as defined
13 in s. 77.65 (2) (a).

14 (b) The seller registers under par. (a) no later than 365 days after the effective
15 date of this state’s participation in the agreement under s. 77.65 (2) (a) [revisor
16 inserts date].

17 (c) The seller was not registered to collect and remit the taxes imposed under
18 this subchapter and subch. V during the 365 consecutive days immediately before
19 the effective date of this state’s participation in the agreement under s. 77.65 (2) (a)
20 [revisor inserts date].

21 (d) The seller has not received a notice of the commencement of an audit from
22 the department or, if the seller has received a notice of the commencement of an audit
23 from the department, the audit has not been resolved by any means, including any
24 related administrative and judicial processes, at the time that the seller registers
25 under par. (a).

BILL

1 (e) The seller has not committed or been involved in a fraud or an intentional
2 misrepresentation of a material fact.

3 (f) The seller collects and remits the taxes imposed under this subchapter and
4 subch. V on sales to purchasers in this state for at least 3 consecutive years after the
5 date on which the seller registers under par. (a).

6 (2) Subsection (1) does not apply to taxes imposed under this subchapter and
7 subch. V that are due from the seller for purchases made by the seller.

8 **SECTION 174.** 77.70 of the statutes is amended to read:

9 **77.70 Adoption by county ordinance.** Any county desiring to impose county
10 sales and use taxes under this subchapter may do so by the adoption of an ordinance,
11 stating its purpose and referring to this subchapter. The county sales and use taxes
12 may be imposed only for the purpose of directly reducing the property tax levy and
13 only in their entirety as provided in this subchapter. That ordinance shall be
14 effective on the first day of January, the first day of April, the first day of July or the
15 first day of October. A certified copy of that ordinance shall be delivered to the
16 secretary of revenue at least 120 days prior to its effective date. The repeal of any
17 such ordinance shall be effective on December 31. A certified copy of a repeal
18 ordinance shall be delivered to the secretary of revenue at least ~~60~~ 120 days before
19 the effective date of the repeal.

20 **SECTION 175.** 77.705 of the statutes is amended to read:

21 **77.705 Adoption by resolution; baseball park district.** A local
22 professional baseball park district created under subch. III of ch. 229, by resolution
23 under s. 229.68 (15), may impose a sales tax and a use tax under this subchapter at
24 a rate of no more than 0.1% of the gross receipts or sales price. Those taxes may be
25 imposed only in their entirety. The resolution shall be effective on the first day of the

BILL

1 ~~first month~~ January 1, April 1, July 1, or October 1 that begins at least ~~30~~ 120 days
2 after the adoption of the resolution.

3 **SECTION 176.** 77.706 of the statutes is amended to read:

4 **77.706 Adoption by resolution; football stadium district.** A local
5 professional football stadium district created under subch. IV of ch. 229, by
6 resolution under s. 229.824 (15), may impose a sales tax and a use tax under this
7 subchapter at a rate of 0.5% of the gross receipts or sales price. Those taxes may be
8 imposed only in their entirety. The imposition of the taxes under this section shall
9 be effective on the first day of the ~~first month~~ January 1, April 1, July 1, or October
10 1 that begins at least ~~30~~ 120 days after the certification of the approval of the
11 resolution by the electors in the district's jurisdiction under s. 229.824 (15).

12 **SECTION 177.** 77.707 (1) of the statutes is amended to read:

13 **77.707 (1)** Retailers and the department of revenue may not collect a tax under
14 s. 77.705 for any local professional baseball park district created under subch. III of
15 ch. 229 after the last day of the calendar quarter during that is at least 120 days from
16 the date on which the local professional baseball park district board makes a
17 certification to the department of revenue under s. 229.685 (2), except that the
18 department of revenue may collect from retailers taxes that accrued before the day
19 after the last day of that calendar quarter and fees, interest and penalties that relate
20 to those taxes.

21 **SECTION 178.** 77.707 (2) of the statutes is amended to read:

22 **77.707 (2)** Retailers and the department of revenue may not collect a tax under
23 s. 77.706 for any local professional football stadium district created under subch. IV
24 of ch. 229 after the last day of the calendar quarter during that is at least 120 days
25 from the date on which the local professional football stadium district board makes

BILL

1 all of the certifications to the department of revenue under s. 229.825 (3), except that
2 the department of revenue may collect from retailers taxes that accrued before the
3 day after the last day of that calendar quarter and fees, interest and penalties that
4 relate to those taxes.

5 **SECTION 179.** 77.71 (1) of the statutes is amended to read:

6 77.71 (1) For the privilege of selling, licensing, leasing or renting tangible
7 personal property and for the privilege of selling, licensing, performing or furnishing
8 services a sales tax is imposed upon retailers at the rate of 0.5% in the case of a county
9 tax or at the rate under s. 77.705 or 77.706 in the case of a special district tax of the
10 gross receipts sales price from the sale, licensing, lease or rental of tangible personal
11 property, except property taxed under sub. (4), sold, licensed, leased or rented at
12 retail in the county or special district or from selling, licensing, performing or
13 furnishing services described under s. 77.52 (2) in the county or special district.

14 **SECTION 180.** 77.71 (2) of the statutes is amended to read:

15 77.71 (2) An excise tax is imposed at the rate of 0.5% in the case of a county tax
16 or at the rate under s. 77.705 or 77.706 in the case of a special district tax of the sales
17 purchase price upon every person storing, using or otherwise consuming in the
18 county or special district tangible personal property or services if the property or
19 service is subject to the state use tax under s. 77.53, except that a receipt indicating
20 that the tax under sub. (1), (3) or (4) has been paid relieves the buyer of liability for
21 the tax under this subsection and except that if the buyer has paid a similar local tax
22 in another state on a purchase of the same property or services that tax shall be
23 credited against the tax under this subsection and except that for motor vehicles that
24 are used for a purpose in addition to retention, demonstration or display while held

BILL

1 for sale in the regular course of business by a dealer the tax under this subsection
2 is imposed not on the sales purchase price but on the amount under s. 77.53 (1m).

3 **SECTION 181.** 77.71 (3) of the statutes is amended to read:

4 77.71 (3) An excise tax is imposed upon a contractor engaged in construction
5 activities within the county or special district, at the rate of 0.5% in the case of a
6 county tax or at the rate under s. 77.705 or 77.706 in the case of a special district tax
7 of the sales purchase price of tangible personal property that is used in constructing,
8 altering, repairing or improving real property and that becomes a component part
9 of real property in that county or special district, except that if the contractor has
10 paid the sales tax of a county in the case of a county tax or of a special district in the
11 case of a special district tax in this state on that property, or has paid a similar local
12 sales tax in another state on a purchase of the same property, that tax shall be
13 credited against the tax under this subsection.

14 **SECTION 182.** 77.71 (4) of the statutes is amended to read:

15 77.71 (4) An excise tax is imposed at the rate of 0.5% in the case of a county tax
16 or at the rate under s. 77.705 or 77.706 in the case of a special district tax of the sales
17 purchase price upon every person storing, using or otherwise consuming a motor
18 vehicle, boat, snowmobile, mobile home not exceeding 45 feet in length, trailer,
19 semitrailer, ~~all-terrain vehicle~~ or aircraft, if that property must be registered or
20 titled with this state and if that property is to be customarily kept in a county that
21 has in effect an ordinance under s. 77.70 or in a special district that has in effect a
22 resolution under s. 77.705 or 77.706, except that if the buyer has paid a similar local
23 sales tax in another state on a purchase of the same property that tax shall be
24 credited against the tax under this subsection.

25 **SECTION 183.** 77.72 (title) of the statutes is repealed.

BILL

1 **SECTION 184.** 77.72 (1) of the statutes is renumbered 77.72 and amended to
2 read:

3 **77.72 General rule for property.** For the purposes of this subchapter, all
4 retail sales of tangible personal property ~~are completed at the time when, and the~~
5 ~~place where, the seller or the seller's agent transfers possession to the buyer or the~~
6 ~~buyer's agent. In this subsection, a common carrier or the U.S. postal service is the~~
7 ~~agent of the seller, regardless of any f.o.b. point and regardless of the method by~~
8 ~~which freight or postage is paid. Rentals and leases of property, except property~~
9 ~~under sub. (2), have a situs at the location of that property and taxable services occur~~
10 as provided in s. 77.522.

11 **SECTION 185.** 77.72 (2) and (3) of the statutes are repealed.

12 **SECTION 186.** 77.77 (1) of the statutes is renumbered 77.77 (1) (a) and amended
13 to read:

14 **77.77 (1) (a)** ~~The gross receipts~~ sales price from services subject to the tax under
15 s. 77.52 (2) ~~are not~~ is subject to the taxes under this subchapter, and the incremental
16 amount of tax caused by a rate increase applicable to those services is ~~not~~ due, ~~if these~~
17 ~~services are billed to the customer and paid for before~~ beginning with the first billing
18 period starting on or after the effective date of the county ordinance, special district
19 resolution, or rate increase, regardless of whether the service is furnished to the
20 customer before or after that date.

21 **SECTION 187.** 77.77 (1) (b) of the statutes is created to read:

22 **77.77 (1) (b)** The sales price from services subject to the tax under s. 77.52 (2)
23 is subject to the taxes under this subchapter, and the incremental amount of tax
24 caused by a rate decrease applicable to those services is due, beginning with bills
25 rendered on or after the effective date of the county ordinance, special district

BILL

1 resolution, or rate decrease, regardless of whether the service is furnished to the
2 customer before or after that date.

3 **SECTION 188.** 77.785 (1) of the statutes is amended to read:

4 77.785 (1) All retailers shall collect and report the taxes under this subchapter
5 on the ~~gross receipts~~ sales price from leases and rentals of property under s. 77.71
6 (4).

7 **SECTION 189.** 77.785 (2) of the statutes is amended to read:

8 77.785 (2) Prior to registration or titling, a retailer of a boat, ~~all-terrain vehicle,~~
9 ~~trailer and semi-trailer dealers and licensed aircraft, motor vehicle, or mobile home~~
10 ~~and snowmobile dealers~~ shall collect the taxes under this subchapter on sales of
11 items under s. 77.71 (4). The ~~dealer~~ retailer shall remit those taxes to the
12 department of revenue along with payments of the taxes under subch. III.

13 **SECTION 190.** 77.98 of the statutes is amended to read:

14 **77.98 Imposition.** A local exposition district under subch. II of ch. 229 may
15 impose a tax on the retail sale, except sales for resale, within the district's
16 jurisdiction under s. 229.43 of ~~products that are subject to a tax under s. 77.54 (20)~~
17 ~~(e) 1. to 3. and not~~ candy, as defined in s. 77.51 (1e), prepared food, as defined in s.
18 77.51 (10m), and soft drinks, as defined in s. 77.51 (17w), unless exempt from the
19 sales tax under s. 77.54 (1), (4), (7) (a), (7m), (9), (9a) or (20) (e) 5., (20n) (b) and (c),
20 and (20r).

21 **SECTION 191.** 77.981 of the statutes is amended to read:

22 **77.981 Rate.** The tax under s. 77.98 is imposed on the sale of taxable products
23 at the rate of 0.25% of the ~~gross receipts~~ sales price, except that the district, by a vote
24 of a majority of the authorized members of its board of directors, may impose the tax
25 at the rate of 0.5% of the ~~gross receipts~~ sales price. A majority of the authorized

BILL

1 members of the district's board may vote that, if the balance in a special debt service
2 reserve fund of the district is less than the requirement under s. 229.50 (5), the tax
3 rate under this subchapter is 0.5%. The 0.5% rate shall be effective on the next
4 January 1, April 1, July 1 or October 1, and this tax is irrevocable if any bonds issued
5 by the district and secured by the special debt service reserve fund are outstanding.

6 **SECTION 192.** 77.982 (2) of the statutes is amended to read:

7 77.982 (2) Sections 77.51 (4) (a), ~~(b) 1., 2. and 4., (c) 1. to 3. and (d) (12m), (14),~~
8 ~~(a) to (f), (j) and (k) and (14g), (15a), and (15b),~~ 77.52 (3), ~~(6), (3m), (4),~~ (13), (14), (18)
9 and (19), 77.522, 77.58 (1) to (5), ~~(6m),~~ and (7), 77.585, 77.59, 77.60, 77.61 (2), ~~(3m),~~
10 (5), (8), (9) ~~and, (12) to (14), and (15),~~ and 77.62, as they apply to the taxes under
11 subch. III, apply to the tax under this subchapter. ~~Sections 77.72 (1) and Section~~
12 ~~77.73, as they apply it applies~~ to the taxes under subch. V, ~~apply applies~~ to the tax
13 under this subchapter.

14 **SECTION 193.** 77.99 of the statutes is amended to read:

15 **77.99 Imposition.** A local exposition district under subch. II of ch. 229 may
16 impose a tax at the rate of 3% of the ~~gross receipts~~ sales price on the rental, but not
17 for rental and not for rental as a service or repair replacement vehicle, within the
18 district's jurisdiction under s. 229.43, of Type 1 automobiles, as defined in s. 340.01
19 (4) (a), by establishments primarily engaged in short-term rental of passenger cars
20 without drivers, for a period of 30 days or less, unless the sale is exempt from the sales
21 tax under s. 77.54 (1), (4), (7) (a), (7m), (9) or (9a). If the state makes a payment under
22 s. 229.50 (7) to a district's special debt service reserve fund, a majority of the district's
23 authorized board of directors may vote to increase the tax rate under this subchapter
24 to 4%.

25 **SECTION 194.** 77.991 (2) of the statutes is amended to read:

BILL

1 77.991 (2) Sections 77.51 (4) ~~(a), (b) 1., 2. and 4., (e) 1. to 3. and (d) and (12m),~~
2 ~~(14) (a) to (f), (j) and (k), (14g), (15a), and (15b),~~ 77.52 (3), (3m), (4), ~~(6),~~ (13), (14) and,
3 ~~(18), and (19),~~ 77.522, 77.58 (1) to (5), ~~(6m),~~ and (7), ~~77.585,~~ 77.59, 77.60, 77.61 (2),
4 ~~(3m),~~ (5), (8), (9) and, (12) to (14), ~~and (15),~~ and 77.62, as they apply to the taxes under
5 subch. III, apply to the tax under this subchapter. Sections ~~77.72 (1) and (2) (a) and~~
6 Section 77.73, as ~~they apply~~ it applies to the taxes under subch. V, ~~apply~~ applies to
7 the tax under this subchapter. The renter shall collect the tax under this subchapter
8 from the person to whom the passenger car is rented.

9 **SECTION 195.** 77.994 (1) (intro.) of the statutes is amended to read:

10 77.994 (1) (intro.) Except as provided in sub. (2), a municipality or a county all
11 of which is included in a premier resort area under s. 66.1113 may, by ordinance,
12 impose a tax at a rate of 0.5% of the ~~gross receipts~~ sales price from the sale, license,
13 lease, or rental in the municipality or county of goods or services that are taxable
14 under subch. III made by businesses that are classified in the standard industrial
15 classification manual, 1987 edition, published by the U.S. office of management and
16 budget, under the following industry numbers:

17 **SECTION 196.** 77.9941 (4) of the statutes is amended to read:

18 77.9941 (4) Sections ~~77.72 (1), (2) (a) and (3) (a),~~ 77.73, 77.74, 77.75, 77.76 (1),
19 ~~(2),~~ and (4), 77.77 (1) and (2), 77.785 (1), and 77.79, as they apply to the taxes under
20 subch. V, apply to the tax under this subchapter.

21 **SECTION 197.** 77.995 (2) of the statutes is amended to read:

22 77.995 (2) There is imposed a fee at the rate of 3%, or 5% for the rental of
23 limousines, of the ~~gross receipts~~ sales price on the rental, but not for rerental and not
24 for rental as a service or repair replacement vehicle of Type 1 automobiles, as defined
25 in s. 340.01 (4) (a); of mobile homes, as defined in s. 340.01 (29); of motor homes, as

BILL

1 defined in s. 340.01 (33m); and of camping trailers, as defined in s. 340.01 (6m) by
2 establishments primarily engaged in short-term rental of vehicles without drivers,
3 for a period of 30 days or less, unless the sale is exempt from the sales tax under s.
4 77.54 (1), (4), (7) (a), (7m) or (9a).

5 **SECTION 198.** 77.9951 (2) of the statutes is amended to read:

6 77.9951 (2) Sections 77.51 (4) (a), ~~(b) 1., 2. and 4., (c) 1. to 3. and (d) and (12m),~~
7 ~~(14) (a) to (f), (j) and (k), (15a), and (15b),~~ 77.52 (3m), (4), ~~(6),~~ (13), (14) ~~and, (18), and~~
8 ~~(19),~~ 77.58 (1) to (5), (6m), and (7), 77.585, 77.59, 77.60, 77.61 (2), (3m), (5), (8), (9)
9 ~~and, (12) to (14), and (15),~~ and 77.62, as they apply to the taxes under subch. III, apply
10 to the fee under this subchapter. The renter shall collect the fee under this
11 subchapter from the person to whom the vehicle is rented.

12 **SECTION 199.** 86.195 (3) (b) 3. of the statutes is amended to read:

13 86.195 (3) (b) 3. Fifty percent of the gross receipts of the business are from meal,
14 food, the sale of food product and beverage sales and food ingredients, as defined in
15 s. 77.51 (3t), that are taxable under s. 77.54 (20) (e) subch. III of ch. 77; and

16 **SECTION 200.** 218.0171 (2) (cq) of the statutes is amended to read:

17 218.0171 (2) (cq) Upon payment of a refund to a consumer under par. (b) 2. b.,
18 the manufacturer shall provide to the consumer a written statement that specifies
19 the trade-in amount previously applied under s. 77.51 (4) ~~(b) 3. or 3m. or (15) (b) 4.~~
20 ~~or 4m. (12m) (b) 5. or 6. or (15b) (b) 5. or 6.~~ toward the sales price of the motor vehicle
21 having the nonconformity and the date on which the manufacturer provided the
22 refund.

23 **SECTION 201. Nonstatutory provisions.**

24 (1) **THE STREAMLINED SALES AND USE TAX AGREEMENT.** The department of revenue
25 shall notify the revisor of statutes of the effective date of this state's participation in

BILL

1 the streamlined sales and use tax agreement, as described in section 77.65 of the
2 statutes, no later than 30 days after such effective date is determined.

3 **SECTION 202. Appropriation changes.**

4 (1) ADMINISTRATIVE COSTS RELATED TO THE STREAMLINED SALES AND USE TAX
5 AGREEMENT. In the schedule under section 20.005 (3) of the statutes for the
6 appropriation to the department of revenue under section 20.566 (1) (a) of the
7 statutes, as affected by the acts of 2003, the dollar amount is increased by \$25,000
8 for fiscal year 2003–04 and the dollar amount is increased by \$25,000 for fiscal year
9 2004–05 to pay for administrative costs related to the streamlined sales and use tax
10 agreement.

11 **SECTION 203. Effective date.**

12 (1) This act takes effect on July 1, 2004.

13 (END)

Section #. 77.54 (28) of the statutes is amended to read:

INS
51-20 ✓

77.54 (28) The gross receipts from the sale of and the storage, use or other consumption to or by the ultimate consumer of ~~apparatus or equipment for the injection of insulin or the treatment of diabetes and~~ supplies used to determine blood sugar level.

History: 1971 c. 64, 154, 215, 311; 1973 c. 90, 156, 240; 1975 c. 39, 96, 102, 146, 200; 1977 c. 29; 1977 c. 83 ss. 13, 26; 1977 c. 250, 368, 418; 1979 c. 1, 34, 87, 174; 1981 c. 20; 1981 c. 79 s. 18; 1981 c. 96 s. 67; 1981 c. 264; 1981 c. 282 s. 47; 1981 c. 317; 1983 a. 27 ss. 1284d to 1284np, 2202 (38); 1983 a. 189 ss. 101, 106, 329 (5), (12), (13); 1983 a. 192, 287, 405, 426, 498, 510, 538, 544; 1985 a. 29, 149, 332; 1987 a. 27; 1987 a. 312 s. 17; 1987 a. 399; 1989 a. 31, 238, 270, 335, 359; 1991 a. 37, 39, 269, 316; 1993 a. 16, 263, 332; 1995 a. 27, 125, 225, 227; 1997 a. 27, 35, 41, 184, 237, 291; 1999 a. 9, 65, 83; 1999 a. 150 s. 672; 1999 a. 167; 2001 a. 16, 103, 109.

Shovers, Marc

From: Gibbons, Vicki L
Sent: Wednesday, July 30, 2003 9:22 AM
To: Shovers, Marc
Cc: Gates-Hendrix, Sherrie; Hardt, Diane L; Kruger, Blair P; Kreye, Joseph
Subject: RE: revised SST draft - 2028/4

Marc,

I understand that Joe Kreye is out of the office so I am sending this to you per my phone call to the LRB office.

I have two more changes to the streamlined bill.

1. In Section 124, page 51 of LRB 2028/4, rather than repealing sec. 77.54(28), I need it amended to read as follows:

~~(28) The gross receipts from the sale of and the storage, use or other consumption to or by the ultimate consumer of apparatus or equipment for the injection of insulin or the treatment of diabetes and supplies used to determine blood sugar level.~~

2. In Section 118, page 50, insert "and accessories for such equipment or devices," after "prosthetic devices," and before "if the equipment."

We are briefing the legislature tomorrow and would like to have drafts available. Is it possible to get the revised draft late today?

Vicki L. Gibbons
Wisconsin Department of Revenue
Mail Stop #6-40
P.O. Box 8933
Madison, WI 53708
(608) 266-3873
vgibbons@dor.state.wi.us

*Dianna
Hardt
266-6798*

-----Original Message-----

From: Gates-Hendrix, Sherrie
Sent: Monday, July 21, 2003 11:13 AM
To: Gibbons, Vicki L; Hardt, Diane L; Kruger, Blair P
Cc: Helgerson, Jason
Subject: revised SST draft

Vicki -- here is the revised SST draft that makes the change relating to durable medical equipment. Please let me know if you would like me to send it to anyone else for review. I have not sent this to Legal.

<< File: 03-20284.pdf >> << File: 03-20284dn.pdf >>

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2028/5dn
JK/kmg [initials]jf

[Handwritten initials]

[Handwritten circle containing "LRB"]

(15)

This bill repeals s. 77.51 (4) and (15). 2003 Enrolled AB^V61 creates s. 77.51 (4) (b) 8. and ~~(b)~~ (b) 7. How do you want this bill to address this situation? If nothing is done and the Governor signs AB^V61, and 2028 later becomes law as well, the repeal of s. 77.51 (4) and (15) will take effect. If you want to preserve created s. 77.51 (4) (b) 8. and ~~(b)~~ (b) 7., this bill will need to be redrafted to account for those 2 subdivisions.

(15)

Marc E. Shovers
Senior Legislative Attorney
Phone: (608) 266-0129
E-mail: marc.shovers@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2028/5dn
JK&MES:kmg:jf

July 30, 2003

This bill repeals s. 77.51 (4) and (15). 2003 Enrolled AB-61 creates s. 77.51 (4) (b) 8. and (15) (b) 7. How do you want this bill to address this situation? If nothing is done and the Governor signs AB-61, and LRB-2028 later becomes law as well, the repeal of s. 77.51 (4) and (15) will take effect. If you want to preserve created s. 77.51 (4) (b) 8. and (15) (b) 7., this bill will need to be redrafted to account for those 2 subdivisions.

Marc E. Shovers
Senior Legislative Attorney
Phone: (608) 266-0129
E-mail: marc.shovers@legis.state.wi.us

Kreye, Joseph

From: Gibbons, Vicki L
Sent: Friday, September 12, 2003 3:08 PM
To: Kreye, Joseph
Cc: Hardt, Diane L; Gates-Hendrix, Sherrie; Ourada, Thomas D; Kruger, Blair P
Subject: Changes to LRB 2028/5

Joe,

I have the following changes I would like made to LRB 2028/5

1. Page 4, line 14 - Change reference from "soda water beverages, food or beverages" to "food and food ingredients."
2. Page 38, line 18 - Change "in" back to "for delivery into."

The change in sec. 77.54(3), from "for delivery into" to "in" was not a change suggested by me in drafting. In LRB draft 0646/p2 (2nd draft), there was no amendment to that section and no suggested change to the copy I sent to you. However, it was in the next draft I received (LRB draft 2028/P1) so I was assuming it is a drafting change with no substantive affect. Rob Reinhart feels this is a substantive change. If there is any question that it is substantive, I would prefer we go back to the language currently in the statute.

3. Page 53, lines 15 and 16 - Revise exemption for 911 fees to include wireless 911 fees

The gross receipts sales price from revenues collected under s. 146.70(3) and the surcharge established in rules of the public service commission under s. 146.70 (3m) (f) for customers of wireless providers, as defined in s. 146.70 (3m)(a)6.

2003 Wisconsin Act 48, created sec. 77.51(4)(b)8 and (15)(b)7, effective September 3, 2003, to provide that "gross receipts" and "sales price" subject to Wisconsin sales or use tax on sales of wireless services do not include the surcharge imposed by a wireless service provider that is to be deposited into the 911 wireless fund. With the elimination of the definitions of gross receipts and sales price, a provision needs to be created that will retain the tax treatment of the deposits to the wireless fund while not affecting the SSTP definitions of sales price and purchase price.

4. Page 61, line 16 - Insert new sub. (6) and renumber sub. (6) to sub. (7) n

(6) A purchaser that is subject to use tax on the storage, use, or other consumption of fuel may claim a deduction from the purchase price subject to use tax for fuel taxes refunded by this state or the United States to the purchaser included in the purchase price of the fuel.

Section 77.51(4)(a)4 and (15)(a)4, in current law, provides that the amount subject to tax from the sale of motor fuel does not include any motor fuel taxes that are refunded by the state or federal government. When the fuel is no longer subject to state motor fuel taxes, it becomes subject to state use tax unless an exemption applies. We want to retain that same treatment that we will not tax as part of the purchase price taxes they end up not paying because of refund by the government.

5. Page 66, line 17 - Insert following amendment to ~~77.51~~^{77.61}(4)(c), Stats.

(c) For reporting the sales tax and collecting and reporting the use tax imposed on the retailer under s. 77.53 (3) and the accounting connected with it, retailers, except certified service providers, may deduct 0.5% of those taxes payable or \$10 for that reporting period required under s. 77.58 (1), whichever is greater, but not more than the amount of the sales taxes or use taxes that is payable under ss. 77.52 (1) and 77.53 (3) for that reporting period required under s. 77.58 (1), as administration expenses if the payment of the taxes is not delinquent. For purposes of calculating the retailer's discount under this paragraph, the taxes on retail sales reported by retailers under subch. V, including taxes collected and remitted as required under, shall be included if the payment of those taxes is not delinquent.

Per the agreement, all certified service providers will be compensated under contract with the governing board and are not entitled to the retailers discount offered to traditional retailers.

6. Page 73, line 25, insert the following amendment to sec. 77.73(2):

(2) Counties and special districts do not have jurisdiction to impose the tax under s. 77.71 (2) in regard to tangible personal property, except snowmobiles, trailers, semitrailers, and all-terrain vehicles, purchased in a sale that is consummated in another county or special district in this state that does not have in effect an ordinance or resolution imposing the taxes under this subchapter and later brought by the buyer into the county or special district that has imposed a tax under s. 77.71 (2).

Currently, the four items underlined above are subject to a local use tax that the retailer must collect for the county where the item will be customarily kept. There is no local sales tax imposed. We cannot keep that provision for the four items because of SSTP sourcing rules. However, I still want to discourage purchasers from going to a nontaxable county to purchase these items to avoid tax. The change made allows for the imposition of use tax on these four items when stored, used, or consumed in a taxable county where a local sales tax has not been charged by the seller because possession was transferred in a Wisconsin jurisdiction that does not have a local tax.

7. Page 73, line 25 - Create 77.73(3) as follows:

A county or special district has jurisdiction to impose the taxes under this subchapter on retailers that register under s. 77.53(9m). A retailer so registered is authorized and required to collect, report, and remit to the department the taxes imposed by this subchapter for all counties and special districts that have an ordinance or resolution imposing the taxes under this subchapter.

Currently, only retailers that are engaged in business in a taxable county are required to collect and remit that county's or district's tax. The statutes should provide that a retailer who voluntarily registers to collect Wisconsin tax also voluntarily agrees to collect county and stadium taxes in all local jurisdictions, regardless of whether the business is engaged in business in the county or stadium district.

8. Page 74, lines 10 to 16, redo the creation of par. (b) as follows:

(b) The sales price from services subject to the tax under s. 77.52(2) are not subject to the tax under this subchapter, and a decrease in the rate of tax imposed under this subchapter on those services first applies, beginning with bills rendered on or after the effective date of the repeal or sunset of a county ordinance or special district resolution imposing the tax or other rate decrease, regardless of whether the service is furnished to the customer before or after that date.

Rob Reinhart had a concern about this section because if there is a rate decrease because a county repeals its ordinance, there is no resulting "incremental amount of tax" caused by the rate decrease. In effect, the decrease of rate effective for bills rendered on or after the effective results in no amount of tax.

If you have any questions regarding these changes, please let me know.

Vicki L. Gibbons
Wisconsin Department of Revenue
Mail Stop #6-40
P.O. Box 8933
Madison, WI 53708
(608) 266-3873
vgibbons@dor.state.wi.us